

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert D. Brooks, #216605,)
Plaintiff,) C/A No. 6:09-0992-MBS
vs.)
Padula, Warden of Lee C.I.; Mailroom)
Worker Whitney, L. Miller, Mailroom)
Worker Simon, NFN Oberman, R. Johnson,)
Ofc. Simon, NFN Ubola, NFN McClary,)
Lt. Davis, W. Sermons,)
Defendants.)

)

O R D E R

Padula, Warden of Lee C.I.; Mailroom)
Worker Whitney, L. Miller, Mailroom)
Worker Simon, NFN Oberman, R. Johnson,)
Ofc. Simon, NFN Ubola, NFN McClary,)
Lt. Davis, W. Sermons,)
Defendants.)

)

Plaintiff Robert D. Brooks is an inmate in custody of the South Carolina Department of Corrections. Plaintiff currently is housed at the Lee Correctional Institution (LCI) in Bishopville, South Carolina. Plaintiff, proceeding pro se, filed this action on April 16, 2009, as amended on April 21, 2009, alleging that Defendants violated his constitutional rights in various respects. Thus, Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

This matter is before the court on motion for summary judgment filed by Defendants on September 2, 2009. By order filed September 3, 2009, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised Plaintiff of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed a motion for summary judgment on September 29, 2009, to which Defendants filed a response on October 1, 2009.

In accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. The Magistrate Judge issued a Report of Magistrate Judge on June 17, 2010 in which he thoroughly discussed Plaintiff's claims of constitutional deprivation. The Magistrate Judge determined that Defendants'

motion for summary judgment should be granted and Plaintiff's motion for summary judgment should be denied. Plaintiff filed objections to the Report of Magistrate Judge on June 17, 2010.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

In his objections, Plaintiff recites, nearly verbatim, the analysis set forth by the Magistrate Judge in his Report. However, rather than reciting the Magistrate Judge's findings that Plaintiff's claims fail, Plaintiff inserts the opposite contention, i.e., that his claims should succeed. The district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982).

Nevertheless, the court has thoroughly examined the record. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. Defendants' motion for summary judgment (Entry 77) is **granted**. Plaintiff's motion for summary judgment (Entry 90) is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

August 13, 2010.

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**